

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NORDIC NATURALS, INC.,

Plaintiff,

v.

JOHN DOES 1-50, INDIVIDUALLY OR  
AS CORPORATE/BUSINESS ENTITIES,

Defendant.

Case No. [23-cv-02606-DMR](#)

**ORDER DENYING MOTION FOR  
LEAVE TO SERVE A SUBPOENA  
WITHOUT PREJUDICE**

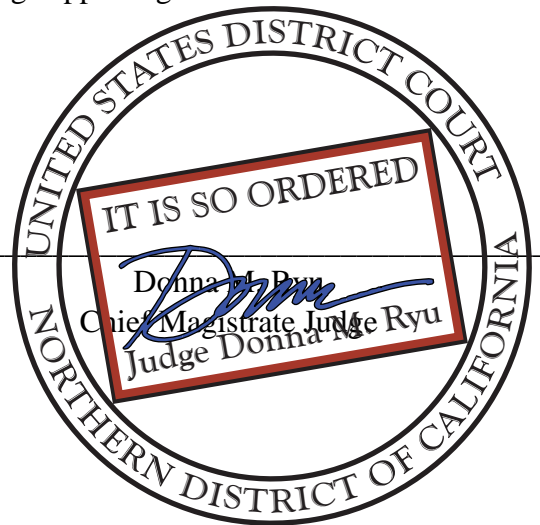
Re: Dkt. No. 6

The court has reviewed Plaintiff Nordic Naturals, Inc.’s ex parte motion for leave to serve a third-party subpoena prior to the Rule 26(f) conference. [Docket No. 6.] Civil Local Rule 7-5 provides that “[f]actual contentions made in support of . . . any motion must be supported by an affidavit or declaration and by appropriate references to the record.” Civ. L.R. 7-5(a). While Plaintiff submitted a declaration attaching a copy of its proposed subpoena (Docket No. 6-2), it did not submit any evidence supporting the factual contentions in its motion. For example, Plaintiff contends that it took “previous steps . . . to locate the Defendants,” including “investigating” their “names and identities,” but did not provide evidence of any such investigation. *See* Mot. 3. *See Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 578-80 (N.D. Cal. 1999) (describing the factors courts examine to determine whether good cause exists for early discovery, including “all previous steps taken to locate the elusive defendant”); *Bungie, Inc. v. Thorpe*, No. 21-CV-05677-EMC-DMR, 2021 WL 5178825, at \*3 (N.D. Cal. Nov. 8, 2021) (“Generally, ex parte applications for early discovery are accompanied by declarations which explain the party’s efforts to determine the individual’s identity and why the plaintiff believes that subpoenas to particular service providers would yield information regarding a defendant’s identity.” (quotation marks and citation omitted)). Accordingly, the motion for leave to serve a third-party subpoena is denied without

prejudice to Plaintiff re-filing the motion and providing supporting evidence in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: July 13, 2023



United States District Court  
Northern District of California